

Information Letter 2013-01

March 25, 2013

Clarification of Authorization for Temporary Water Diversions in Non-settled Areas**Purpose**

The purpose of this Information Letter is to clarify the requirement for temporary water diversion licenses in non-settled areas under Schedule 4, Section 2 of the *Water (Ministerial) Regulation*, and how it will be implemented.

Clarification

Under Schedule 4, Section 2, temporary water withdrawals without a Temporary Diversion Licence are permitted only if each of the following conditions apply:

- a) there is a surface disposition issued by Environment and Sustainable Resource Development that expressly permits the diversion and use of the water and the time period;
- b) the amount to be diverted is no more than 5,000 cubic metres; and
- c) the diversion and use is not for hydrostatic testing

If any one of the foregoing conditions is not satisfied, the operator must obtain a Temporary Diversion Licence as per the provisions under the *Water Act*, Section 62. Failure to obtain a Temporary Diversion Licence will mean that the operator is diverting water in contravention of the *Water Act*.

Implementation

Until appropriate regulatory and authorization systems are in place, ESRD will not issue any land use dispositions that expressly permit the diversion of water. Therefore, the diversion and use of water, including diversion and use of water less than 5,000 cubic metres in the non-settled areas (Green Area), will be authorized through a Temporary Diversion License.

In some cases, land use dispositions may still be needed for surface access to water diversion sites.

Additional Information

To apply for a Temporary Diversion Licence online, please visit:

<http://environment.alberta.ca/03657.html>

To download a Temporary Diversion Licence application form, please visit:

<http://environment.alberta.ca/01199.html>

For more information, please refer to:

- Water Act: Temporary Diversion Licences Fact Sheet, located at:
<http://environment.gov.ab.ca/info/library/8448.pdf>

Inquiries regarding this Information Letter should be directed to ESRD's Water Policy Branch, through the Information Centre:

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